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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

NELSON VASQUEZ, individually and as successor-in-interest to Decedent, Oscar Vasquez Lopez; DAYLIN VASQUEZ individually and as successor-in-interest to Decedent Oscar Vasquez Lopez; LUSSY VASQUEZ, individually and as successor-in-interest to Decedent Oscar Vasquez Lopez; OSCAR VASQUEZ, individually and as successor-in-interest to Decedent Oscar Vasquez Lopez; K.V., by and through her Guardian ad litem, Daylin Vasquez, individually and as successor-in-interest to Decedent Oscar Vasquez Lopez; A.V., by and through his Guardian ad litem, Daylin Vasquez, individually and as successor-in-interest to Decedent Oscar Vasquez Lopez; and JOSE VASQUEZ LOPEZ, individually,

Plaintiffs,

vs.

CITY OF LOS ANGELES, and DOES 1 through 10, inclusive,

Defendants.

Case No. 8:24-cv-02421 FLA (JDEx)
*Honorable Fernando L. Aenlle-Rocha; Ctrm 6B
Magistrate John D. Early; Ctrm 6A (Santa Ana)*

DEFENDANT CITY OF LOS ANGELES' ANSWER TO PLAINTIFF'S COMPLAINT FOR DAMAGES; DEMAND FOR JURY TRIAL

COMES NOW Defendant CITY OF LOS ANGELES answering the Plaintiff's Complaint for Damages for itself and for no other party admits, denies and alleges as follows:

1 **JURISDICTION AND VENUE**

2 1. Answering paragraph 1, no factual allegations are made therein, and on that
3 basis the paragraph goes unanswered.

4 2. Answering paragraph 2, no factual allegations are made therein, and on that
5 basis the paragraph goes unanswered.

6 **INTRODUCTION**

7 3. Answering paragraph 3, no factual allegations are made therein, and on that
8 basis the paragraph goes unanswered.

9 4. Answering paragraph 4, Defendant lacks sufficient information and belief
10 upon which to answer the allegations contained therein, and on that basis denies the
11 allegations.

12 5. Answering paragraph 5, Defendant lacks sufficient information and belief
13 upon which to answer the allegations contained therein, and on that basis denies the
14 allegations.

15 **PARTIES**

16 6. Answering paragraph 6, Defendant lacks sufficient information and belief
17 upon which to answer the allegations contained therein, and on that basis denies the
18 allegations.

19 7. Answering paragraph 7, Defendant lacks sufficient information and belief
20 upon which to answer the allegations contained therein, and on that basis denies the
21 allegations.

22 8. Answering paragraph 8, Defendant lacks sufficient information and belief
23 upon which to answer the allegations contained therein, and on that basis denies the
24 allegations.

25 9. Answering paragraph 9, Defendant lacks sufficient information and belief
26 upon which to answer the allegations contained therein, and on that basis denies the
27 allegations.

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1 10. Answering paragraph 10, Defendant lacks sufficient information and belief
2 upon which to answer the allegations contained therein, and on that basis denies the
3 allegations.

4 11. Answering paragraph 11, Defendant lacks sufficient information and belief
5 upon which to answer the allegations contained therein, and on that basis denies the
6 allegations.

7 12. Answering paragraph 12, Defendant lacks sufficient information and belief
8 upon which to answer the allegations contained therein, and on that basis denies the
9 allegations.

10 13. Answering paragraph 13, Defendant lacks sufficient information and belief
11 upon which to answer the allegations contained therein, and on that basis denies the
12 allegations.

13 14. Answering paragraph 14, no factual allegations are made therein, and on that
14 basis the paragraph goes unanswered.

15 15. Answering paragraph 15, no factual allegations are made therein, and on that
16 basis the paragraph goes unanswered.

17 16. Answering paragraph 16, Defendant lacks sufficient information and belief
18 upon which to answer the allegations contained therein, and on that basis denies the
19 allegations.

20 17. Answering paragraph 17, Defendant lacks sufficient information and belief
21 upon which to answer the allegations contained therein, and on that basis denies the
22 allegations.

23 18. Answering paragraph 18, no factual allegations are made therein, and on that
24 basis the paragraph goes unanswered.

25 19. Answering paragraph 19, no factual allegations are made therein, and on that
26 basis the paragraph goes unanswered.

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1 20. Answering paragraph 20, Defendant lacks sufficient information and belief
2 upon which to answer the allegations contained therein, and on that basis denies the
3 allegations.

4 21. Answering paragraph 21, Defendant lacks sufficient information and belief
5 upon which to answer the allegations contained therein, and on that basis denies the
6 allegations.

7 22. Answering paragraph 22, Defendant lacks sufficient information and belief
8 upon which to answer the allegations contained therein, and on that basis denies the
9 allegations.

10 **FACTS COMMON TO ALL CLAIMS FOR RELIEF**

11 23. Answering paragraph 23, which incorporates by reference the allegations of
12 other paragraphs of the pleading, Defendant to the same extent incorporates by reference
13 the answers provided herein to those paragraphs.

14 24. Answering paragraph 24, Defendant lacks sufficient information and belief
15 upon which to answer the allegations contained therein, and on that basis denies the
16 allegations.

17 25. Answering paragraph 25, Defendant lacks sufficient information and belief
18 upon which to answer the allegations contained therein, and on that basis denies the
19 allegations.

20 26. Answering paragraph 26, Defendant lacks sufficient information and belief
21 upon which to answer the allegations contained therein, and on that basis denies the
22 allegations.

23 27. Answering paragraph 27, Defendant lacks sufficient information and belief
24 upon which to answer the allegations contained therein, and on that basis denies the
25 allegations.

26 28. Answering paragraph 28, Defendant lacks sufficient information and belief
27 upon which to answer the allegations contained therein, and on that basis denies the
28 allegations.

1 29. Answering paragraph 29, Defendant lacks sufficient information and belief
2 upon which to answer the allegations contained therein, and on that basis denies the
3 allegations.

4 30. Answering paragraph 30, Defendant lacks sufficient information and belief
5 upon which to answer the allegations contained therein, and on that basis denies the
6 allegations.

7 31. Answering paragraph 31, Defendant lacks sufficient information and belief
8 upon which to answer the allegations contained therein, and on that basis denies the
9 allegations.

10 32. Answering paragraph 32, Defendant lacks sufficient information and belief
11 upon which to answer the allegations contained therein, and on that basis denies the
12 allegations.

13 33. Answering paragraph 33, Defendant lacks sufficient information and belief
14 upon which to answer the allegations contained therein, and on that basis denies the
15 allegations.

16 34. Answering paragraph 34, Defendant lacks sufficient information and belief
17 upon which to answer the allegations contained therein, and on that basis denies the
18 allegations.

19 35. Answering paragraph 35, Defendant lacks sufficient information and belief
20 upon which to answer the allegations contained therein, and on that basis denies the
21 allegations.

22 36. Answering paragraph 36, Defendant lacks sufficient information and belief
23 upon which to answer the allegations contained therein, and on that basis denies the
24 allegations.

25 37. Answering paragraph 37, no factual allegations are made therein, and on that
26 basis the paragraph goes unanswered.

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1 38. Answering paragraph 38, Defendant lacks sufficient information and belief
2 upon which to answer the allegations contained therein, and on that basis denies the
3 allegations.

4 **FIRST CLAIM FOR RELIEF**

5 **Unreasonable Search and Seizure – Excess Force (42 U.S.C. § 1983)**

6 **Plaintiffs NELSON VASQUEZ, DAYLIN VASQUEZ, LUSSY VASQUEZ,**

7 **OSCAR VASQUEZ, K.V., and A.V. against Defendants DOES 1-10**

8 39. Answering paragraph 39, which incorporates by reference the allegations of
9 other paragraphs of the pleading, Defendant to the same extent incorporates by reference
10 the answers provided herein to those paragraphs.

11 40. Answering paragraph 40, Defendant lacks sufficient information and belief
12 upon which to answer the allegations contained therein, and on that basis denies the
13 allegations.

14 41. Answering paragraph 41, Defendant lacks sufficient information and belief
15 upon which to answer the allegations contained therein, and on that basis denies the
16 allegations.

17 42. Answering paragraph 42, Defendant lacks sufficient information and belief
18 upon which to answer the allegations contained therein, and on that basis denies the
19 allegations.

20 43. Answering paragraph 43, Defendant lacks sufficient information and belief
21 upon which to answer the allegations contained therein, and on that basis denies the
22 allegations.

23 44. Answering paragraph 44, Defendant lacks sufficient information and belief
24 upon which to answer the allegations contained therein, and on that basis denies the
25 allegations.

26 45. Answering paragraph 45, Defendant lacks sufficient information and belief
27 upon which to answer the allegations contained therein, and on that basis denies the
28 allegations.

46. Answering paragraph 46, Defendant lacks sufficient information and belief upon which to answer the allegations contained therein, and on that basis denies the allegations.

47. Answering paragraph 47, Defendant lacks sufficient information and belief upon which to answer the allegations contained therein, and on that basis denies the allegations.

SECOND CLAIM FOR RELIEF

Fourth Amendment – Unlawful Detention and Arrest (42 U.S.C. § 1983)

**Plaintiffs NELSON VASQUEZ, DAYLIN VASQUEZ, LUSSY VASQUEZ,
OSCAR VASQUEZ, K.V., and A.V. against Defendants DOES 1-10**

48. Answering paragraph 48, which incorporates by reference the allegations of other paragraphs of the pleading, Defendant to the same extent incorporates by reference the answers provided herein to those paragraphs.

49. Answering paragraph 49, Defendant lacks sufficient information and belief upon which to answer the allegations contained therein, and on that basis denies the allegations.

50. Answering paragraph 50, Defendant lacks sufficient information and belief upon which to answer the allegations contained therein, and on that basis denies the allegations.

51. Answering paragraph 51, Defendant lacks sufficient information and belief upon which to answer the allegations contained therein, and on that basis denies the allegations.

52. Answering paragraph 52, Defendant lacks sufficient information and belief upon which to answer the allegations contained therein, and on that basis denies the allegations.

53. Answering paragraph 53, Defendant lacks sufficient information and belief upon which to answer the allegations contained therein, and on that basis denies the allegations.

1 54. Answering paragraph 54, Defendant lacks sufficient information and belief
2 upon which to answer the allegations contained therein, and on that basis denies the
3 allegations.

4 55. Answering paragraph 55, Defendant lacks sufficient information and belief
5 upon which to answer the allegations contained therein, and on that basis denies the
6 allegations.

7 56. Answering paragraph 56, Defendant lacks sufficient information and belief
8 upon which to answer the allegations contained therein, and on that basis denies the
9 allegations.

10 **THIRD CLAIM FOR RELIEF**

11 **Fourth Amendment – Denial of Medical Care (42 U.S.C. § 1983)**

12 **Plaintiffs NELSON VASQUEZ, DAYLIN VASQUEZ, LUSSY VASQUEZ,**
13 **OSCAR VASQUEZ, K.V., and A.V. against Defendants DOES 1-10**

14 57. Answering paragraph 57, which incorporates by reference the allegations of
15 other paragraphs of the pleading, Defendant to the same extent incorporates by reference
16 the answers provided herein to those paragraphs.

17 58. Answering paragraph 58, Defendant lacks sufficient information and belief
18 upon which to answer the allegations contained therein, and on that basis denies the
19 allegations.

20 59. Answering paragraph 59, Defendant lacks sufficient information and belief
21 upon which to answer the allegations contained therein, and on that basis denies the
22 allegations.

23 60. Answering paragraph 60, Defendant lacks sufficient information and belief
24 upon which to answer the allegations contained therein, and on that basis denies the
25 allegations.

26 61. Answering paragraph 61, Defendant lacks sufficient information and belief
27 upon which to answer the allegations contained therein, and on that basis denies the
28 allegations.

1 62. Answering paragraph 62, Defendant lacks sufficient information and belief
2 upon which to answer the allegations contained therein, and on that basis denies the
3 allegations.

4 63. Answering paragraph 63, Defendant lacks sufficient information and belief
5 upon which to answer the allegations contained therein, and on that basis denies the
6 allegations.

7 **FOURTH CLAIM FOR RELIEF**

8 **Fourth and Fourteenth Amendment – Interference with Familial Relationship**
9 **(42 U.S.C. § 1983)**

10 **Plaintiffs NELSON VASQUEZ, DAYLIN VASQUEZ, LUSSY VASQUEZ,**
11 **OSCAR VASQUEZ, K.V., and A.V. against Defendants DOES 1-10**

12 64. Answering paragraph 64, which incorporates by reference the allegations of
13 other paragraphs of the pleading, Defendant to the same extent incorporates by reference
14 the answers provided herein to those paragraphs.

15 65. Answering paragraph 65, Defendant lacks sufficient information and belief
16 upon which to answer the allegations contained therein, and on that basis denies the
17 allegations.

18 66. Answering paragraph 66, Defendant lacks sufficient information and belief
19 upon which to answer the allegations contained therein, and on that basis denies the
20 allegations.

21 67. Answering paragraph 67, Defendant lacks sufficient information and belief
22 upon which to answer the allegations contained therein, and on that basis denies the
23 allegations.

24 68. Answering paragraph 68, Defendant lacks sufficient information and belief
25 upon which to answer the allegations contained therein, and on that basis denies the
26 allegations.

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69. Answering paragraph 69, Defendant lacks sufficient information and belief upon which to answer the allegations contained therein, and on that basis denies the allegations.

70. Answering paragraph 70, Defendant lacks sufficient information and belief upon which to answer the allegations contained therein, and on that basis denies the allegations.

71. Answering paragraph 71, Defendant lacks sufficient information and belief upon which to answer the allegations contained therein, and on that basis denies the allegations.

72. Answering paragraph 72, Defendant lacks sufficient information and belief upon which to answer the allegations contained therein, and on that basis denies the allegations.

73. Answering paragraph 73, no factual allegations are made therein, and on that basis the paragraph goes unanswered.

74. Answering paragraph 74, Defendant lacks sufficient information and belief upon which to answer the allegations contained therein, and on that basis denies the allegations.

FIFTH CLAIM FOR RELIEF

Municipal Liability for Unconstitutional Custom or Practice (42 U.S.C. § 1983)

Plaintiffs NELSON VASQUEZ, DAYLIN VASQUEZ, LUSSY VASQUEZ, OSCAR VASQUEZ, K.V., and A.V. against Defendant CITY OF LOS ANGELES

75. Answering paragraph 75, which incorporates by reference the allegations of other paragraphs of the pleading, Defendant to the same extent incorporates by reference the answers provided herein to those paragraphs.

76. Answering paragraph 76, Defendant lacks sufficient information and belief upon which to answer the allegations contained therein, and on that basis denies the allegations.

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1 77. Answering paragraph 77, Defendant lacks sufficient information and belief
2 upon which to answer the allegations contained therein, and on that basis denies the
3 allegations.

4 78. Answering paragraph 78, Defendant lacks sufficient information and belief
5 upon which to answer the allegations contained therein, and on that basis denies the
6 allegations.

7 79. Answering paragraph 79, Defendant lacks sufficient information and belief
8 upon which to answer the allegations contained therein, and on that basis denies the
9 allegations.

10 79a. Answering paragraph 79a, Defendant lacks sufficient information and belief
11 upon which to answer the allegations contained therein, and on that basis denies the
12 allegations.

13 79b. Answering paragraph 79b, Defendant lacks sufficient information and belief
14 upon which to answer the allegations contained therein, and on that basis denies the
15 allegations.

16 79c. Answering paragraph 79c, Defendant lacks sufficient information and belief
17 upon which to answer the allegations contained therein, and on that basis denies the
18 allegations

19 79d. Answering paragraph 79d, Defendant lacks sufficient information and belief
20 upon which to answer the allegations contained therein, and on that basis denies the
21 allegations.

22 79e. Answering paragraph 79e, Defendant lacks sufficient information and belief
23 upon which to answer the allegations contained therein, and on that basis denies the
24 allegations.

25 79f. Answering paragraph 79f, Defendant lacks sufficient information and belief
26 upon which to answer the allegations contained therein, and on that basis denies the
27 allegations.

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1 79g. Answering paragraph 79g, Defendant lacks sufficient information and belief
2 upon which to answer the allegations contained therein, and on that basis denies the
3 allegations.

4 79h. Answering paragraph 79h, Defendant lacks sufficient information and belief
5 upon which to answer the allegations contained therein, and on that basis denies the
6 allegations.

7 79. Answering paragraph 79, Defendant lacks sufficient information and belief
8 upon which to answer the allegations contained therein, and on that basis denies the
9 allegations.

10 80. Answering paragraph 80, Defendant lacks sufficient information and belief
11 upon which to answer the allegations contained therein, and on that basis denies the
12 allegations.

13 81. Answering paragraph 81, Defendant lacks sufficient information and belief
14 upon which to answer the allegations contained therein, and on that basis denies the
15 allegations.

16 81a. Answering paragraph 81a, Defendant lacks sufficient information and belief
17 upon which to answer the allegations contained therein, and on that basis denies the
18 allegations.

19 81b. Answering paragraph 81b, Defendant lacks sufficient information and belief
20 upon which to answer the allegations contained therein, and on that basis denies the
21 allegations.

22 81c. Answering paragraph 81c, Defendant lacks sufficient information and belief
23 upon which to answer the allegations contained therein, and on that basis denies the
24 allegations

25 81d. Answering paragraph 81d, Defendant lacks sufficient information and belief
26 upon which to answer the allegations contained therein, and on that basis denies the
27 allegations.

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1 82. Answering paragraph 82, Defendant lacks sufficient information and belief
2 upon which to answer the allegations contained therein, and on that basis denies the
3 allegations.

4 83. Answering paragraph 83, Defendant lacks sufficient information and belief
5 upon which to answer the allegations contained therein, and on that basis denies the
6 allegations.

7 84. Answering paragraph 84, Defendant lacks sufficient information and belief
8 upon which to answer the allegations contained therein, and on that basis denies the
9 allegations.

10 85. Answering paragraph 85, Defendant lacks sufficient information and belief
11 upon which to answer the allegations contained therein, and on that basis denies the
12 allegations.

13 85a. Answering paragraph 85a, Defendant lacks sufficient information and belief
14 upon which to answer the allegations contained therein, and on that basis denies the
15 allegations.

16 85b. Answering paragraph 85b, Defendant lacks sufficient information and belief
17 upon which to answer the allegations contained therein, and on that basis denies the
18 allegations.

19 85c. Answering paragraph 85c, Defendant lacks sufficient information and belief
20 upon which to answer the allegations contained therein, and on that basis denies the
21 allegations

22 85d. Answering paragraph 85d, Defendant lacks sufficient information and belief
23 upon which to answer the allegations contained therein, and on that basis denies the
24 allegations.

25 85e. Answering paragraph 85e, Defendant lacks sufficient information and belief
26 upon which to answer the allegations contained therein, and on that basis denies the
27 allegations.

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1 85f. Answering paragraph 85f, Defendant lacks sufficient information and belief
2 upon which to answer the allegations contained therein, and on that basis denies the
3 allegations.

4 85g. Answering paragraph 85g, Defendant lacks sufficient information and belief
5 upon which to answer the allegations contained therein, and on that basis denies the
6 allegations.

7 85h. Answering paragraph 85h, Defendant lacks sufficient information and belief
8 upon which to answer the allegations contained therein, and on that basis denies the
9 allegations.

10 85i. Answering paragraph 85i, Defendant lacks sufficient information and belief
11 upon which to answer the allegations contained therein, and on that basis denies the
12 allegations.

13 86. Answering paragraph 86, Defendant lacks sufficient information and belief
14 upon which to answer the allegations contained therein, and on that basis denies the
15 allegations.

16 87. Answering paragraph 87, Defendant lacks sufficient information and belief
17 upon which to answer the allegations contained therein, and on that basis denies the
18 allegations.

19 88. Answering paragraph 88, Defendant lacks sufficient information and belief
20 upon which to answer the allegations contained therein, and on that basis denies the
21 allegations.

22 89. Answering paragraph 89, Defendant lacks sufficient information and belief
23 upon which to answer the allegations contained therein, and on that basis denies the
24 allegations.

25 90. Answering paragraph 90, Defendant lacks sufficient information and belief
26 upon which to answer the allegations contained therein, and on that basis denies the
27 allegations.

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SIXTH CLAIM FOR RELIEF

Municipal Liability – Failure to Train (42 U.S.C. § 1983)

Plaintiffs NELSON VASQUEZ, DAYLIN VASQUEZ, LUSSY VASQUEZ, OSCAR VASQUEZ, K.V., and A.V. against Defendant CITY OF LOS ANGELES

91. Answering paragraph 91, which incorporates by reference the allegations of other paragraphs of the pleading, Defendant to the same extent incorporates by reference the answers provided herein to those paragraphs.

92. Answering paragraph 92, Defendant lacks sufficient information and belief upon which to answer the allegations contained therein, and on that basis denies the allegations.

93. Answering paragraph 93, Defendant lacks sufficient information and belief upon which to answer the allegations contained therein, and on that basis denies the allegations.

94. Answering paragraph 94, Defendant lacks sufficient information and belief upon which to answer the allegations contained therein, and on that basis denies the allegations.

95. Answering paragraph 95, Defendant lacks sufficient information and belief upon which to answer the allegations contained therein, and on that basis denies the allegations.

96. Answering paragraph 96, Defendant lacks sufficient information and belief upon which to answer the allegations contained therein, and on that basis denies the allegations.

97. Answering paragraph 97, Defendant lacks sufficient information and belief upon which to answer the allegations contained therein, and on that basis denies the allegations.

97a. Answering paragraph 97a, Defendant lacks sufficient information and belief upon which to answer the allegations contained therein, and on that basis denies the allegations.

1 97b. Answering paragraph 97b, Defendant lacks sufficient information and belief
2 upon which to answer the allegations contained therein, and on that basis denies the
3 allegations.

4 97c. Answering paragraph 97c, Defendant lacks sufficient information and belief
5 upon which to answer the allegations contained therein, and on that basis denies the
6 allegations.

7 98. Answering paragraph 98, Defendant lacks sufficient information and belief
8 upon which to answer the allegations contained therein, and on that basis denies the
9 allegations.

10 99. Answering paragraph 99, Defendant lacks sufficient information and belief
11 upon which to answer the allegations contained therein, and on that basis denies the
12 allegations.

13 99a. Answering paragraph 99a, Defendant lacks sufficient information and belief
14 upon which to answer the allegations contained therein, and on that basis denies the
15 allegations.

16 99b. Answering paragraph 99b, Defendant lacks sufficient information and belief
17 upon which to answer the allegations contained therein, and on that basis denies the
18 allegations.

19 99c. Answering paragraph 99c, Defendant lacks sufficient information and belief
20 upon which to answer the allegations contained therein, and on that basis denies the
21 allegations.

22 99d. Answering paragraph 99d, Defendant lacks sufficient information and belief
23 upon which to answer the allegations contained therein, and on that basis denies the
24 allegations.

25 99e. Answering paragraph 99e, Defendant lacks sufficient information and belief
26 upon which to answer the allegations contained therein, and on that basis denies the
27 allegations.

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1 99f. Answering paragraph 99f, Defendant lacks sufficient information and belief
2 upon which to answer the allegations contained therein, and on that basis denies the
3 allegations.

4 99g. Answering paragraph 99g, Defendant lacks sufficient information and belief
5 upon which to answer the allegations contained therein, and on that basis denies the
6 allegations.

7 99h. Answering paragraph 99h, Defendant lacks sufficient information and belief
8 upon which to answer the allegations contained therein, and on that basis denies the
9 allegations.

10 99i. Answering paragraph 99i, Defendant lacks sufficient information and belief
11 upon which to answer the allegations contained therein, and on that basis denies the
12 allegations.

13 100. Answering paragraph 100, Defendant lacks sufficient information and belief
14 upon which to answer the allegations contained therein, and on that basis denies the
15 allegations.

16 101. Answering paragraph 101, Defendant lacks sufficient information and belief
17 upon which to answer the allegations contained therein, and on that basis denies the
18 allegations.

19 102. Answering paragraph 102, Defendant lacks sufficient information and belief
20 upon which to answer the allegations contained therein, and on that basis denies the
21 allegations.

22 103. Answering paragraph 103, Defendant lacks sufficient information and belief
23 upon which to answer the allegations contained therein, and on that basis denies the
24 allegations.

25 104. Answering paragraph 104, Defendant lacks sufficient information and belief
26 upon which to answer the allegations contained therein, and on that basis denies the
27 allegations.

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SEVENTH CLAIM FOR RELIEF

Municipal Liability – Ratification (42 U.S.C. § 1983)

**By Plaintiffs NELSON VASQUEZ, DAYLIN VASQUEZ, LUSSY VASQUEZ,
OSCAR VASQUEZ, K.V., and A.V. against Defendant CITY OF LOS ANGELES**

105. Answering paragraph 105, which incorporates by reference the allegations of other paragraphs of the pleading, Defendant to the same extent incorporates by reference the answers provided herein to those paragraphs.

106. Answering paragraph 106, Defendant lacks sufficient information and belief upon which to answer the allegations contained therein, and on that basis denies the allegations.

107. Answering paragraph 107, Defendant lacks sufficient information and belief upon which to answer the allegations contained therein, and on that basis denies the allegations.

108. Answering paragraph 108, Defendant lacks sufficient information and belief upon which to answer the allegations contained therein, and on that basis denies the allegations.

109. Answering paragraph 109, Defendant lacks sufficient information and belief upon which to answer the allegations contained therein, and on that basis denies the allegations.

110. Answering paragraph 110, Defendant lacks sufficient information and belief upon which to answer the allegations contained therein, and on that basis denies the allegations.

111. Answering paragraph 111, Defendant lacks sufficient information and belief upon which to answer the allegations contained therein, and on that basis denies the allegations.

112. Answering paragraph 112, Defendant lacks sufficient information and belief upon which to answer the allegations contained therein, and on that basis denies the allegations.

1 113. Answering paragraph 113, Defendant lacks sufficient information and belief
2 upon which to answer the allegations contained therein, and on that basis denies the
3 allegations.

4 **EIGHTH CLAIM FOR RELIEF**

5 **Battery (Cal. Govt. Code § 820 and California Common Law)**

6 **By Plaintiffs NELSON VASQUEZ, DAYLIN VASQUEZ, LUSSY VASQUEZ,**
7 **OSCAR VASQUEZ, K.V., and A.V. Against All Defendants**

8 114. Answering paragraph 114, which incorporates by reference the allegations
9 of other paragraphs of the pleading, Defendant to the same extent incorporates by
10 reference the answers provided herein to those paragraphs.

11 115. Answering paragraph 115, Defendant lacks sufficient information and belief
12 upon which to answer the allegations contained therein, and on that basis denies the
13 allegations.

14 116. Answering paragraph 116, Defendant lacks sufficient information and belief
15 upon which to answer the allegations contained therein, and on that basis denies the
16 allegations.

17 117. Answering paragraph 117, Defendant lacks sufficient information and belief
18 upon which to answer the allegations contained therein, and on that basis denies the
19 allegations.

20 118. Answering paragraph 118, Defendant lacks sufficient information and belief
21 upon which to answer the allegations contained therein, and on that basis denies the
22 allegations.

23 119. Answering paragraph 119, Defendant lacks sufficient information and belief
24 upon which to answer the allegations contained therein, and on that basis denies the
25 allegations.

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NINTH CLAIM FOR RELIEF

Negligence (Cal. Govt. Code § 820 and California Common Law)

(Wrongful Death)

**By Plaintiffs NELSON VASQUEZ, DAYLIN VASQUEZ, LUSSY VASQUEZ,
OSCAR VASQUEZ, K.V., and A.V. against All Defendants**

120. Answering paragraph 120, which incorporates by reference the allegations of other paragraphs of the pleading, Defendant to the same extent incorporates by reference the answers provided herein to those paragraphs.

121. Answering paragraph 121, Defendant lacks sufficient information and belief upon which to answer the allegations contained therein, and on that basis denies the allegations.

121a. Answering paragraph 121a, Defendant lacks sufficient information and belief upon which to answer the allegations contained therein, and on that basis denies the allegations.

121b. Answering paragraph 121b, Defendant lacks sufficient information and belief upon which to answer the allegations contained therein, and on that basis denies the allegations.

121c. Answering paragraph 121c, Defendant lacks sufficient information and belief upon which to answer the allegations contained therein, and on that basis denies the allegations.

121d. Answering paragraph 121d, Defendant lacks sufficient information and belief upon which to answer the allegations contained therein, and on that basis denies the allegations.

121e. Answering paragraph 121e, Defendant lacks sufficient information and belief upon which to answer the allegations contained therein, and on that basis denies the allegations.

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1 121f. Answering paragraph 121f, Defendant lacks sufficient information and
2 belief upon which to answer the allegations contained therein, and on that basis denies
3 the allegations.

4 121g. Answering paragraph 121g, Defendant lacks sufficient information and
5 belief upon which to answer the allegations contained therein, and on that basis denies
6 the allegations.

7 122. Answering paragraph 122, Defendant lacks sufficient information and belief
8 upon which to answer the allegations contained therein, and on that basis denies the
9 allegations.

10 123. Answering paragraph 123, Defendant lacks sufficient information and belief
11 upon which to answer the allegations contained therein, and on that basis denies the
12 allegations.

13 124. Answering paragraph 124, Defendant lacks sufficient information and belief
14 upon which to answer the allegations contained therein, and on that basis denies the
15 allegations.

16 **TENTH CLAIM FOR RELIEF**

17 **Negligent Infliction of Emotional Distress**

18 **(Cal. Govt. Code § 820 and California Common Law)**

19 **By Plaintiff JOSE VASQUEZ LOPEZ against All Defendants**

20 125. Answering paragraph 125, which incorporates by reference the allegations
21 of other paragraphs of the pleading, Defendant to the same extent incorporates by
22 reference the answers provided herein to those paragraphs.

23 126. Answering paragraph 126, Defendant lacks sufficient information and belief
24 upon which to answer the allegations contained therein, and on that basis denies the
25 allegations.

26 127. Answering paragraph 127, Defendant lacks sufficient information and belief
27 upon which to answer the allegations contained therein, and on that basis denies the
28 allegations.

1 128. Answering paragraph 128, Defendant lacks sufficient information and belief
2 upon which to answer the allegations contained therein, and on that basis denies the
3 allegations.

4 129. Answering paragraph 129, Defendant lacks sufficient information and belief
5 upon which to answer the allegations contained therein, and on that basis denies the
6 allegations.

7 130. Answering paragraph 130, Defendant lacks sufficient information and belief
8 upon which to answer the allegations contained therein, and on that basis denies the
9 allegations.

10 131. Answering paragraph 131, no factual allegations are made therein, and on
11 that basis the paragraph goes unanswered.

12 **ELEVENTH CLAIM FOR RELIEF**

13 **Violation of Bane Act (Cal. Civil Code § 52.1**

14 **By Plaintiffs NELSON VASQUEZ, DAYLIN VASQUEZ, LUSSY VASQUEZ,**
15 **OSCAR VASQUEZ, K.V., and A.V. against All Defendants**

16 132. Answering paragraph 132, which incorporates by reference the allegations
17 of other paragraphs of the pleading, Defendant to the same extent incorporates by
18 reference the answers provided herein to those paragraphs.

19 133. Answering paragraph 133, no factual allegations are made therein, and on
20 that basis the paragraph goes unanswered.

21 134. Answering paragraph 134, no factual allegations are made therein, and on
22 that basis the paragraph goes unanswered.

23 135. Answering paragraph 135, no factual allegations are made therein, and on
24 that basis the paragraph goes unanswered.

25 136. Answering paragraph 136, Defendant lacks sufficient information and belief
26 upon which to answer the allegations contained therein, and on that basis denies the
27 allegations.

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1 137. Answering paragraph 137, Defendant lacks sufficient information and belief
2 upon which to answer the allegations contained therein, and on that basis denies the
3 allegations.

4 138. Answering paragraph 138, Defendant lacks sufficient information and belief
5 upon which to answer the allegations contained therein, and on that basis denies the
6 allegations.

7 139. Answering paragraph 139, Defendant lacks sufficient information and belief
8 upon which to answer the allegations contained therein, and on that basis denies the
9 allegations.

10 140. Answering paragraph 140, Defendant lacks sufficient information and belief
11 upon which to answer the allegations contained therein, and on that basis denies the
12 allegations.

13 141. Answering paragraph 141, Defendant lacks sufficient information and belief
14 upon which to answer the allegations contained therein, and on that basis denies the
15 allegations.

16 142. Answering paragraph 142, no factual allegations are made therein, and on
17 that basis the paragraph goes unanswered.

18 143. Answering paragraph 143, Defendant lacks sufficient information and belief
19 upon which to answer the allegations contained therein, and on that basis denies the
20 allegations.

21 144. Answering paragraph 144, Defendant lacks sufficient information and belief
22 upon which to answer the allegations contained therein, and on that basis denies the
23 allegations.

24 145. Answering paragraph 145, Defendant lacks sufficient information and belief
25 upon which to answer the allegations contained therein, and on that basis denies the
26 allegations.

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1 **AFFIRMATIVE DEFENSES**

2 As separate and distinct affirmative defenses, Defendant alleges each of the
3 following:

4 **FIRST AFFIRMATIVE DEFENSE**

5 As to the federal claims and theories of recovery, this answering Defendant is
6 protected from liability under the doctrine of qualified immunity, because Defendant's
7 conduct did not violate clearly established statutory or constitutional rights of which a
8 reasonable person would have known.

9 **SECOND AFFIRMATIVE DEFENSE**

10 Defendant City of Los Angeles and all Defendants sued in their official capacities
11 are immune from the imposition of punitive damages.

12 **THIRD AFFIRMATIVE DEFENSE**

13 Neither a public entity, nor a public employee, is liable for his/her act or omission,
14 exercising due care, in the execution or enforcement of any law.

15 **FOURTH AFFIRMATIVE DEFENSE**

16 Wrongful act of Plaintiff Decedent or others. Any injury or damage suffered was
17 due to or caused solely by reason of Plaintiff Decedent or other's wrongful acts and
18 conduct, and not by reason of any wrongful acts or omissions of Plaintiff Decedent.

19 **FIFTH AFFIRMATIVE DEFENSE**

20 If there was a violation, Defendant is entitled to qualified immunity because their
21 conduct was reasonable based upon the information that they possessed. They
22 reasonably believed "in good faith" that what they did was lawful and appropriate, and
23 relied upon information provided to them. Moreover, they acted under a reasonable,
24 even if mistaken, belief that what they did was reasonable, appropriate and lawful.

25 **SIXTH AFFIRMATIVE DEFENSE**

26 Defendant is immune from liability pursuant to the provisions of each of the
27 following California statutes, each of which is set forth as a separate and distinct
28 affirmative defense: Government Code §§ 815.2, 815.6, 818, 818.8, 820.2, 820.4, 820.6,

820.8, 822.2, 835a, 845, 845.6, 845.8, 846, 850.8, 855.6, and 856.4, as well as Civil Code §43.55 & 47 and Penal Code 847(b).

SEVENTH AFFIRMATIVE DEFENSE

Plaintiff Decedent actual knowledge of the condition and particular danger alleged, knew and understood the degree of the risk involved, and voluntarily assumed such risk.

EIGHTH AFFIRMATIVE DEFENSE

Defendant's action is privileged pursuant to Civil Code, Section 47.

NINTH AFFIRMATIVE DEFENSE

The force used against Plaintiff Decedent, if any, was caused and necessitated by the actions of Plaintiff Decedent, and was reasonable and necessary for self-defense.

TENTH AFFIRMATIVE DEFENSE

The force used against Plaintiff Decedent, if any, was caused and necessitated by the actions of others, and was reasonable and necessary for the defense of others.

ELEVENTH AFFIRMATIVE DEFENSE

The force used against Plaintiff Decedent, if any, was caused and necessitated by the actions of Plaintiff Decedent, and was reasonable and necessary for self-defense/officer safety.

TWELFTH AFFIRMATIVE DEFENSE

The damages alleged were directly and proximately caused and contributed to by the negligence of Plaintiff Decedent, and the extent of damages sustained, if any, should be reduced in proportion to the amount of said negligence.

THIRTEENTH AFFIRMATIVE DEFENSE

The damages alleged, if any, were directly and proximately caused and contributed to by the negligence of Plaintiff Decedent, and the extent of damages sustained, if any, should be reduced in proportion to the amount of said negligence.

FOURTEENTH AFFIRMATIVE DEFENSE

Apportionment of Fault: If it is found that any Defendant is legally responsible for the damages, if any, which Defendant specifically denies, then such damages were

proximately caused by or contributed to by Plaintiff or others, whether served or not, and it is necessary that the proportionate degree of fault of every such person be determined and prorated by the trier of fact, and that any judgment which might be rendered against any Defendant be reduced by that percentage of fault to be found to exist of Plaintiff Decedent or others and causative fault, whether sued herein or not.

DEMAND FOR JURY TRIAL

Defendant hereby demands and requests a trial by jury in this matter.

WHEREFORE, Defendant prays for judgment as follows:

1. That Plaintiffs take nothing by this action;
2. That the action be dismissed;
3. That Defendant be awarded costs of suit;
4. That Defendant be awarded other and further relief as the Court may deem just and proper, including an award of attorney's fees pursuant to 42 U.S.C. § 1988.

DATED: December 27, 2024 HYDEE FELDSTEIN SOTO, City Attorney
DENISE C. MILLS, Chief Deputy City Attorney
KATHLEEN KENEALY, Chief Assistant City Attorney
CORY M. BRENT, Senior Assistant City Attorney

By: /s/ Christian R. Bojorquez
CHRISTIAN R. BOJORQUEZ, Deputy City Atty.
Attorneys for Defendant CITY OF LOS ANGELES